



City of Manitowoc

900 Quay Street
Manitowoc, WI 54220
www.manitowoc.org

Meeting Minutes

Common Council

16-0006
CONSENT

Monday, December 21, 2015

6:30 PM

Council Chambers

A. CALL TO ORDER

Mayor Justin M. Nickels called the meeting to order at 6:33 p.m.

B. ROLL CALL

Alders Present: 10 - Allan Schema, Patrick Brandel, Dave Soeldner, Jim Brey, Jill Hennessey, Mike Howe, Jason Sladky, Scott McMeans, Christopher Able and Eric Sitkiewitz

C. PLEDGE OF ALLEGIANCE & INVOCATION

D. PUBLIC INPUT

Mayor declared the meeting open for public input. In accordance with policy, the public input portion of the meeting is not made a part of the official record.

E. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR

15-1270

Appointments to Crime Prevention Committee: Peyton Mayer in place of N. Hermundez as Lincoln High School representative; Dylan Koski as Lutheran High School Representative; Dave Remiker in place of J. Rabida for indefinite term; and Katie Wilsmann in place of J. Rotter for indefinite term.

Moved by Sitkiewitz, seconded by McMeans, that these Appointments be confirmed. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1291

Appointments by Mayor of election officials and nursing home deputies in the City of Manitowoc for the ensuing two year term from 1/1/16 to 12/31/17.

Moved by Sitkiewitz, seconded by McMeans, that these Appointments be confirmed. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

F. CONSENT AGENDA

1. Removal of Consent Agenda Items

Aldersperson Able requested that Document Number 15-1268 be removed from the Consent Agenda.

Approval of the Consent Agenda

Moved by Sitkiewitz, seconded by McMeans, to accept the Consent Agenda Items and recommendations of the various committees The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

2. Miscellaneous

15-1266 Minutes of Common Council meeting of November 16, 2015, recommending approval and place on file.

15-1289 Minutes of Community Development Authority of 10/14/15 and 10/29/15; Crime Prevention Committee of 11/12/15; Manitowoc International Relations Association of 10/22/15; recommending acceptance and place on file.

15-1269 Resignation from Julle Rabida from Crime Prevention Committee, recommending acceptance and place on file.

3. Committee of the Whole (Consent)

15-1231 Amendment No. 1 to Ground Lease between City of Manitowoc and Briess Industries, Inc. to allow for a removable ice skating rink and appurtenances, recommending entering into amendment with Briess Industries.

15-1317 Report of Special Events Committee relative to approval of the following events: GLOBE Environmental Committee Climate March on 11/28/15; Manitowoc Recreation Dept. Music for Mouths on 12/19/15 along with approval for Rec Division to team up with private entities for events benefitting local secular charities; Salvation Army Bike Ride for Hunger change of date to 8/6/16; Broken Spoke Bikes Shelltrack Fat Bike Race on 1/23/16; Leukemia & Lymphoma Society Scenic Shore Bike Tour on 7/23 & 7/24/16; recommending acceptance and place on file.

4. Finance Committee (Consent)

15-1244 Communication from Manitowoc County regarding apportionment of 2015 County Levy, recommending acceptance and place on file.

15-1247 Communication from Manitowoc Public School District regarding apportionment of 2015 County Levy, recommending acceptance and place on file.

15-1248 Communication from Lakeshore Technical College regarding apportionment of 2015 County Levy, recommending acceptance and place on file.

15-1252 Recommendation from Capital Allocation Working Group to fund up to \$6,891.00 for emergency repairs to heating system at the Public Safety Building, recommending acceptance and place on file, with Finance accepting recommendation and place on file. The Public Infrastructure Committee approved the CAWG Request and referred to Council.

15-1265 General City Claims in the amount of \$2,578,684.21 enumerated on list thereof, recommending that the claims be allowed and ordered paid and Mayor, Clerk and Finance Director/Treasurer are instructed to issue the necessary order.

5. Licensing, Permits and Inspections Committee (Consent)

15-1267 Sidewalk Privilege Agreement with Manitowoc Cranes LLC for placement of a turnstile in the South 30th Street right-of-way, recommending entering into the agreement.

6. Parks and Recreation Committee (Consent)

7. Personnel Committee (Consent)

8. Public Infrastructure Committee (Consent)

15-1256 Communication upgrade between fuel pumps and Fuelmaster Program. The Committee approved the upgrade for Consent Agenda.

15-1283 Report of Board of Public Works of December 9, 2015 for 2015 Epoxy Pavement Marking Program for 2nd and Final Payment to Guide Lines Pavement Marking in the amount of \$21,506.80, recommending payment.

15-1284 Report of Board of Public Works of December 9, 2015 for 2015 Televising Miscellaneous Sewers II, WU-15-14, for 1st and Final Payment to Northern Pipe Equipment Inc. in the amount of \$26,454.42, recommending payment.

15-1285 Report of Board of Public Works of December 9, 2015 for 2015 Concrete Paving, WS-15-1, for 5th and Final Payment to Vinton Construction in the amount of \$10,307.64, recommending payment.

15-1286 Report of Board of Public Works of December 9, 2015 for Infrared Heaters at Department of Public Works, for 1st and Final Payment to Manitowoc Heating & Refrigeration Services in the amount of \$15,890.00, recommending payment.

15-1288 Report of Board of Public Works of December 9, 2015 for 2015 Miscellaneous Concrete Construction, WS-15-21, for 1st and Final Payment to Vinton Construction in the amount of \$36,615.64, recommending payment.

9. Public Safety Committee (Consent)**G. STANDING COMMITTEE REPORTS****1. Committee of the Whole**

15-1210 Ordinance creating Section 14.575 of the Manitowoc Municipal Code establishing residency restrictions for certain sexual offenders.

Moved by Sitkiewitz, seconded by McMeans, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1304 Resolution establishing starting time for public meetings.

Moved by Sitkiewitz, seconded by Brandel, that this Resolution be amended to remove the words "shall have a start time of 5:00 p.m. or later to accommodate taxpayers who wish to address the governmental body and". The motion failed by the following vote:

Aye: 2 - Brandel and Sitkiewitz

Nay: 8 - Schema, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans and Able

Moved by Able, seconded by Hennessey, that this Resolution be amended to change the start time to 4:00 p.m. or later. The motion failed by the following vote:

Aye: 5 - Schema, Soeldner, Hennessey, McMeans and Able

Nay: 5 - Brandel, Brey, Howe, Sladky and Sitkiewitz

Upon a tie vote, Mayor Nickels voted nay. Amendment failed 5-6. Mayor Nickels advised that he will veto.

Moved by Soeldner, seconded by Sladky, that this Resolution be adopted. The motion carried by the following vote:

Aye: 6 - Schema, Soeldner, Sladky, McMeans, Able and Sitkiewitz

Nay: 4 - Brandel, Brey, Hennessey and Howe

2. Finance Committee

15-1290 Communication from City Assessor relative to 2015 real estate correction to parcel 720-000-132.

Moved by McMeans, seconded by Brandel, that this Communication be accepted and rescind taxes in the amount of \$695.19. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

3. Licensing, Permits and Inspections Committee

15-1268

Sidewalk Privilege Agreement with Jeremy F. Skjold for placement and maintenance of a fence encroaching in right-of-way at 941 N. 15th St., recommending entering into agreement.

Moved by Brey, seconded by Howe, that this Agreement be entered into. The motion carried by the following vote:

Aye: 9 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans and Sitkiewitz

Nay: 1 - Able

15-1282

Ordinance amending Section 7.010 of the Municipal Code to include Florence Drive.

Moved by Brey, seconded by Howe, that this Ordinance be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1321

Report of Licensing, Permits and Inspections Committee with the following licenses for granting: No. TAV-1507, "Class B" Intoxicating Liquor & Fermented Malt Beverage License of Apple Hospitality Group LLC, Manual Eloi Renteria, Agent, 4435 Calumet Ave.; No. TAV-1557, "Class B" Intoxicating Liquor & Fermented Malt Beverage License of LES Enterprises LLC, Robert J. Burgess, Jr., Agent, 3713 Division St.; No. BBR-1509 Class "B" Fermented Malt Beverage License of The Noodle Shop Co.- Colorado, Inc., Charles Haug, Agent, 4530 Calumet Ave.; No. CWN-1505 "Class C" Wine License of The Noodle Shop Co.-Colorado, Inc., Charles Haug, Agent, 4530 Calumet Ave.; No. GB-16001 Garbage Hauler License of Pozorski Hauling & Recycling LLC, 2515 Viebahn St.; No. GB-16002 Garbage Hauler License of Manitowoc Disposal, Inc., 1800 Johnston Dr.; No. GB-16003 Garbage Hauler License of Advanced Disposal Services, 428 High St., Chilton, WI; No. GB-16004 Garbage Hauler License of Waste Management, 1861 Allouez Ave E, Green Bay, WI; No. MH-16001 Mobile Home Park License of Trail's End Park, Inc., 2000 Johnston Dr.; No. MH-16002 Mobile Home Park License of Pentler Family Limited Partnership d/b/a Newport Village West, 88 Albert Dr.; No. MH-16003 Mobile Home Park License of Pentler Family Limited Partnership d/b/a Newport Village, 770 E. Albert Dr.; No. PS-16002 Pawnbroker License of Leo Jadowski d/b/a LB Pawn, 2004 Division St.; No. PS-16003 Secondhand Jewelry License of David Pahmeier d/b/a Rummele Inc., 4101 Calumet Ave.; No. PS-16004 Secondhand Jewelry License of Brad Barnes d/b/a Kay Jewelers #2827, 4550 Calumet Ave.

Moved by Brey, seconded by Howe, that this Report be accepted and the various licenses granted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

4. Parks and Recreation Committee**5. Personnel Committee**

- 15-1305** Resolution to continue services with Smart Choice, MRI, LLC and enter into a Provider Agreement with Human Resources Director and Finance Director to enter into all necessary agreements to implement same.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:
- Aye:** 9 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, Able and Sitkiewitz
- Abstain:** 1 - McMeans
- 15-1306** Resolution to approve moving Manitowoc County's Mobility Manager to the City's Intermodal Transfer Center with job description attached.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 15-1307** Resolution to approve filling of vacant DPW Streets Laborer position prior to current employee's retirement.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 15-1308** Resolution to approve creation of Staff Attorney position as a part-time, 20 hours per week exempt position with newly created job description attached.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 15-1311** Resolution relative to reorganization of Inspection Department placing them under the management and supervision of the Fire Department including revised job descriptions and reclassification of the Building Inspector position.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 15-1315** Resolution approving Background Check Policy effective January 2016.
- Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1316 Resolution to revise the holiday pay for non-exempt, non-protective employees effective January 1, 2016.

Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1323 Resolution to withdraw from the Local Government Property Insurance Fund.

Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1324 Resolution to enter the Municipal Property Insurance Corporation.

Moved by Hennessey, seconded by Able, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

6. Public Infrastructure Committee

15-1257 Request to install a new loop detector in the Intersection of South 30th Street and Calumet Avenue. The Committee approved the request not to exceed \$6,000.00 and refer to CAWG and Council.

Moved by Soeldner, seconded by Brey, that this Request be approved not to exceed \$6,000 and refer to CAWG. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1258 TIF Financing for Dewey Street/Harbor Town Intersection. The Committee placed on file and referred to Council.

Moved by Soeldner, seconded by Brey, that this Request be placed on file. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1259 Discussion on changing property insurance carrier from Local Government Property Insurance Fund to Municipal Property Insurance Company for 2016. The Committee approved switching insurance carriers to MPIC and referred to Council.

Moved by Soeldner, seconded by Brey, that this Action Item be approved to switch to MPIC. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1261 Resolution to approve 2016 Public Works Infrastructure Improvements.

Moved by Soeldner, seconded by Brey, that this Resolution be approved. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1262 Resolution to approve City-wide Sidewalk Construction and Repair Program for 2016.

Moved by Soeldner, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1263 Resolution to approve 2016 Dust Palliatives.

Moved by Soeldner, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1264 Agreement for Professional Services with Ayres Associates for Waldo Boulevard Sanitary Sewer Plan Preparation.

Moved by Soeldner, seconded by Brey, that this Agreement be entered into subject to \$35,000 not to exceed limit. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1287 Report of Board of Public Works of December 9, 2015, of quotes received for One new 2015 Brine Production and Blending Equipment for DPW, Project QE-15-6, recommending awarding to low bidder, Bruce Municipal Equipment, in the amount of \$120,430.00.

Moved by Soeldner, seconded by Brey, that this Report be accepted and award to Bruce Municipal Equipment for \$120,430. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

15-1309 Ordinance to adjust rates for sewer service charges established in Section 25.050(8) effective January 1, 2016.

Moved by Soeldner, seconded by Brey, that this Ordinance be adopted. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

- 15-1310** Resolution to provide municipal water to an impacted property at 2917 County Hwy. CR.
- Moved by Soeldner, seconded by Brey, that this Resolution be adopted. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

7. Public Safety Committee

- 15-1245** Discussion from Chief Blaser-Town of Manitowoc EMS Agreement, 2016
- Moved by Able, seconded by Sitkiewitz, that this Communication be approved and enter into EMS agreement. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 15-1246** Discussion from Chief Blaser-Town of Centerville EMS Agreement, 2016
- Moved by Able, seconded by Sitkiewitz, that this Communication be approved and enter into EMS Agreement. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 15-1313** Ordinance to amend Section 10.390(11) of the Municipal Code regulating private property parking on the west side of So. 16th St. between Franklin and Washington.
- Moved by Able, seconded by Sitkiewitz, that this Ordinance be adopted. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 15-1314** Ordinance to amend Section 10.170 of the Municipal Code regulating through intersections providing that all east and westbound traffic on Columbus St. shall stop before entering So. 15th St.
- Moved by Able, seconded by Sitkiewitz, that this Ordinance be adopted. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz
- 15-1320** Purchase Agreement with Officer Jeremy Weber for purchase of K-9 police dog Aik.
- Moved by Able, seconded by Sitkiewitz, that this Purchase Agreement be accepted. The motion carried by the following vote:**
- Aye:** 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

H. ADJOURN

Moved by Sitkiewitz, seconded by McMeans, that this meeting be adjourned at 7:33 p.m. The motion carried by the following vote:

Aye: 10 - Schema, Brandel, Soeldner, Brey, Hennessey, Howe, Sladky, McMeans, Able and Sitkiewitz

**Jennifer Hudon
City Clerk**